



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Serial No.

Filing Date

Examiner

Group Art Unit

Entitled

: Francesca Chioldi
: 09/719,646
: February 28, 2001
: Alana M. Harris
: 1642
: FAS PEPTIDES AND ANTIBODIES
FOR MODULATING APOPTOSIS

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Our File No. 0380-P02373US0

Certificate of Mailing Under 37 C.F.R. §1.8(a):

I hereby certify that this correspondence is being deposited on October 29, 2003 with the United States Postal Service as first-class mail in an envelope properly addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Janice M. Nightlinger
Janice M. Nightlinger

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO OFFICIAL COMMUNICATION DATED SEPTEMBER 23, 2003

Dear Sir:

The undersigned attorney received an Official Communication dated September 23, 2003 concerning the above-identified patent application. The Official Communication indicates that the Traversal and Request for Reconsideration of Requirement for Restriction, filed in response to the November 19, 2001

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Restriction Requirement in this application is deemed not fully responsive. In this connection, the Official Communication stated "Applicant is advised to review the election and clearly set for the Group for examination".

As a preliminary matter, it is noted that the above-mentioned September 23, 2003 Official Communication does not set a shortened statutory period for response. It is assumed therefore, a maximum period of six (6) months is allowed for filing a response, as provided in 37 C.F.R. §1.134.

Applicant once again elects, with traverse (for the reasons set forth in Applicant's response filed July 1, 2003, which are incorporated by reference herein), the invention designated as Group XVI in the April 1, 2003 Restriction Requirement, which is the subject matter of Claims 49-52 employing a human Fas peptide fragment having SEQ ID No. 4.

In the event that a fee is required, the Commissioner is authorized to charge Deposit Account No. 04-1406 of the undersigned attorneys. A duplicate copy of this paper is enclosed.

Early and favorable action on the merits of this application is respectfully requested.

DANN DORFMAN HERRELL and
SKILLMAN, P.C.

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PJH:jmn